IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION 1135 OF 2006

IN

APPEAL FROM ORDER No. 823 of 2006

Haresh Rasiklal Shah .. Applicant

versus

Municipal Corporation of Gr.Mumbai.. Respondent

...

Mr.Bharat Joshi for the applicant

Ms.Nisha Dabhade for BMC.

CORAM : D.G. KARNIK, J

DATED : 13th December 2006

P.C.:

1. Heard counsel for the parties.

2. Learned counsel for the applicant says that the tin sheets placed above the grills have already been removed. This application was made in the last week and time was granted to the respondent to verify the same.

3. Counsel for the respondent states that the respondent’s officers have not reported otherwise. Hence the issue involved is only in respect of the grills. Whether fixing of the grills amounts to permanent construction or not is an arguable question. Hence, the appellant deserves interim relief during the pendency of the appeal.

4. Civil Application is accordingly allowed in terms of prayer clause (a).

D.G. KARNIK, J